

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In re: Briteside, Inc.

Petition No. 2001-0719-053-014

CONSENT ORDER

WHEREAS, Briteside, Inc. of Bloomfield, CT (hereinafter "respondent") has been issued license number 000042 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On or about December 2000, respondent was the licensed asbestos contractor for an asbestos abatement project at 16-18 Amity Street, Hartford, CT (hereinafter "the property"). Said project involved the removal of asbestos containing materials in connection with the demolition of an unsafe structure on the property, which had previously been damaged by fire.
2. In or about December 2000, in connection with the asbestos abatement project at the property, respondent failed to maintain adequate waste shipment records for each of the trailers that were transported from the property. The inadequacies included the following:
 - a. Respondent failed to document that the waste trailers were transported to its facility in Bloomfield, CT, prior to shipment to a landfill in Chicopee, MA; and/or
 - b. Respondent failed to provide a waste manifest for each trailer that left the property with asbestos containing waste.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §§19a-332 and 19a-332a(b) of the General Statutes of Connecticut,

taken in conjunction with the Regulations of Connecticut State Agencies, §§19a-332a-1, 19a-332a-2(a), 19a-332a-4 and 20-440-6(b).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000042 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of two thousand dollars (\$2,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. The parties agree that this Consent Order resolves all disciplinary matters currently pending before the Department against the respondent, including the respondent's alleged non-compliance with the Consent Order of October 7, 1999 (petition No. 990323-053-001).
5. Respondent also agrees to withdraw with prejudice its appeal of the Department's final decision and order in Petition No. 990927-53-019, currently pending in the State of Connecticut Appellate Court (AC-22635) and to comply with all current requirements of such order. Respondent will submit a copy of said withdrawal, along with a statement

from its attorney attesting to its filing with the Appellate Court, to the Department concurrently with submission of the executed Consent Order. Payment of the \$15,000 civil penalty assessed in Petition No. 990927-53-019 shall be paid as described in Paragraph 3, at the time respondent submits the executed Consent Order to the Department.

6. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure. Respondent shall pay all costs necessary to comply with this Consent Order.

7. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.

8. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.

9. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department, or in a judicial proceeding brought by the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.

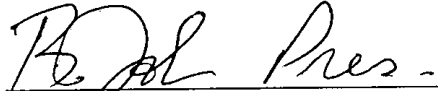
10. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review in connection with any asbestos licensure matter regarding the respondent under the jurisdiction of the Department of Public Health. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.

11. This Consent Order is a revocable offer of settlement that may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.

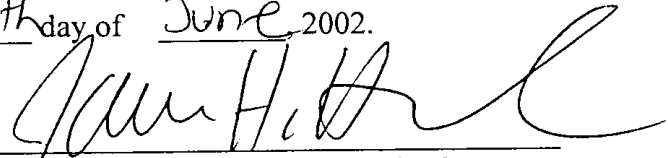
12. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.

13. Respondent has the right to consult with an attorney prior to signing this document.

I, Blake Johnson, have read the above Consent Order, and I represent and warrant that I am fully authorized and empowered to bind said company. I hereby stipulate and agree to bind Briteside, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

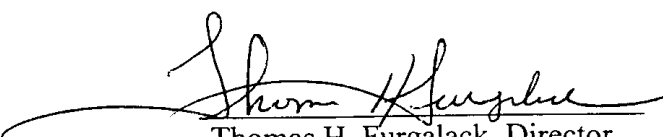

Blake Johnson, President

Subscribed and sworn to before me this 17th day of June, 2002.


~~Notary Public~~ or person authorized
by law to administer an oath or affirmation
JAMES H. HOWARD, Comm. Sup. Court.

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 26th day of

June 2002, it is hereby accepted.


Thomas H. Furgalack, Director